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Committee on the Elimination of Discrimination against Women

Report constituting the sixth and seventh reports of Luxembourg under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women pursuant to the simplified procedure for submission of reports expected in 2017*

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Note: This present document is distributed in English, French and Spanish only.

* This present document is being issued without formal editing.

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Introduction and general provisions

Point 1

1. The Government of the Grand Duchy of Luxembourg has made equality between women and men one of its policy priorities by declaring in the preamble of the Government Programme of 2014 that "efficiency, effectiveness, sustainability, social cohesion and equal opportunity are the guiding principles that characterize the action of the Government."

2. In order to document the collective responsibility of the Government on equality of women and men, the procedure for the preparation of the 2015–2018 Plan of Action on Gender Equality was amended to include each ministerial department more directly and practically.

3. The chapter of the government programme on equality of women and men is ambitious and cannot be implemented by the Ministry of Equal Opportunity (MEGA) alone: attaining policy goals is a collective and cross-cutting responsibility.

4. For that reason, each ministerial department was invited to identify three to five specific objectives to be achieved in the coming years in its areas of responsibility.

5. On 8 March, 2015 the Government adopted the 2015–2018 National Action Plan on Gender Equality (Equality NAP), which contains 128 specific measures to be implemented in 20 distinct ministerial departments.

6. Particular attention was paid to the collection of statistical data disaggregated by sex and to improving the balance between men and women in decision-making bodies.

7. The interministerial committee for gender equality monitors the implementation of the Equality NAP and submits an interim report to the Government annually.

8. At the legislative level, important reforms have been enacted to improve the protection of women's rights, particularly with regard to combating domestic violence, the fight against trafficking in human beings, equal pay between men and women and introducing statutory quotas for the lists of candidates for national and European parliamentary elections.

9. Gender-disaggregated statistics are included at various relevant points in this report. Cooperation between the Ministry of Equal Opportunity and the National Institute of Statistics and Economic Studies of the Grand Duchy of Luxembourg (STATEC) is continuing, to take into account obligations regarding the collection of data on the situation of women. In 2014 MEGA conducted a study on the perception of equality between women and men in Luxembourg.[1] On the occasion of International Women's Day 2016, STATEC published a short book, entitled "A Look at the Lives of Women in Luxembourg", presenting a number of excerpts from the statistics collected on the living conditions of women in the country.[2]

[1] www.mega.public.lu/fr/publications/references-etudes-externes/2015/etude-tns-ilres/Etude-MEGA-2014---Rapport.pdf

[2] http://www.statistiques.public.lu/fr/publications/series/regards/2016/05-16-vie-femmes/index.html

Constitutional, legislative and institutional framework

Point 2

10. A constitutional amendment of 13 July 2006 introduced the following provision to article 11 (2) of the Constitution:

> "Women and men are equal in rights and duties. The State shall actively promote the elimination of such obstacles as may exist with respect to gender equality."

11. The act of 15 December 2016 introduced a new provision to encourage political parties to work towards parity. This matter is dealt with in detail under point 18.

12. The Ministry of State has published a guide for the drafting of bills on the establishment of new public institutions and bills amending laws relating to public institutions in the form of a decision of the Council of Government of 10 February 2017.

13. It is recommended in the guide to ensure a balanced representation of women and men on the boards of public institutions:

> "Board members are appointed for a term of five years, renewable by the Council of Government on the proposal of the competent minister. In this context, the Government will strive to promote a balanced representation between women and men."

14. The act of 22 September 2014 providing for a national audiovisual production support fund and amending (1) the amended act of 22 June 1963 governing salaries of public officials and (2) the amended act of 13 December 1988 establishing a special temporary tax system for audiovisual investment certificates, limits financial assistance that may be granted by the fund to works which are not of a discriminatory nature:

> "Chapter 3 — selective financial support
>
> Article 10. Conditions of eligibility of works
>
> (2) The following are automatically excluded from selective financial support:
>
> 1. pornographic works, works that incite violence or racial hatred, works apologetic of crimes against humanity and, in general, works contrary to public order and good morals;"

15. The amended act of 27 July 1991 on electronic media contains several provisions designed inter alia to counter discrimination against women:

> "Art. 26 bis. Prohibition of incitement to hatred
>
> Audiovisual and sound media services shall not contain any incitement to hatred based on race, sex, opinion, religion or nationality.
>
> Art. 27 bis. Commercial audiovisual communications
>
> (1) Commercial audiovisual communications shall meet the following requirements:
>
> (...)
>
> (e) They shall not be injurious to human dignity;

(d) They shall not imply discrimination on grounds of sex, racial or ethnic origin, nationality, religion or belief, disability, age or sexual orientation, not shall they promote such discrimination;

(...)"

16. The amended act of 8 June 2004 on freedom of expression in the media has established the Press Council, which has been required to adopt a code of ethics:

Article 23

(1) There shall be established a Press Council with legal personality. The Press Council is responsible for granting and revoking the journalists' credential referred to in article 31.

(2) The Press Council is also responsible for:

1. Developing a code of conduct aimed at defining the rights and duties of professional journalists and publishers, including in the area of processing of personal data, and ensuring its publication;

(...)

3. The Press Council may also make recommendations and guidelines for the work of professional journalists and publishers and organize vocational training courses for journalists and publishers."

Code of conduct for the Press Council

"Art. 5: respect for others

(a) The press is committed to preventing and to opposing any discrimination on grounds of sex, race, nationality, language, religion, ideology, ethnicity, culture, class or belief, while ensuring respect for fundamental human rights.

(b) The press undertakes not to countenance or glorify crimes, terrorism and other acts of cruelty or violence.

(c) The press undertakes to respect and protect the human dignity of each individual.

It undertakes to respect the right to privacy of each individual. However, in some exceptional cases the public interest and the freedom of the press may have precedence over the right to privacy.

(d) The press undertakes to devote the greatest attention to the protection of minors. It undertakes to avoid any interference that could affect their development, without prejudice to the legal provisions in force.

(...)"

Agreements with religious communities

17. Regarding religions, the laws of 23 July 2016 governing the amount and the granting of annual financial support to the Catholic church, the Jewish community, the Protestant church, the Orthodox church, the Muslim community and the Anglican church, contain language which requires them to respect the human rights laid down in the Constitution, including article 11 (2) of the Constitution establishing equality between women and men:

> "Payment of the financial support referred to in article 1 is suspended in the event of non-compliance by ... of Luxembourg with the public order of Luxembourg and the human rights guaranteed by the Constitution and international standards with legal force in Luxembourg."

The Penal Code

18. Legal provisions prohibiting discrimination based on sex are to be found primarily in articles 454 and following of the Penal Code. Readers are referred to previous reports that described the criminal law mechanism in greater detail.

Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)

19. In order to continue the implementation of sustainable development goal 5, a bill has been drafted by the Ministry of Justice, in collaboration with the Ministry of Equal Opportunity and the Ministry of Foreign and European Affairs, with a view to the ratification of the "Istanbul Convention" of the Council of Europe. Ratification will not involve fundamental legislative changes, but will improve Luxembourg legislation on gender-based violence and domestic violence. Draft law 7167, providing for approval of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence adopted in Istanbul on 11 May 2011, and amending (1) the Penal Code,[5] (2) the Code of Criminal Procedure, (3) the amended Domestic Violence Act of 8 September 2003 and (4) the amended act of 29 August 2008 on the free movement of persons and immigration, was submitted to the Chamber of Deputies on 10 August 2017 and is currently under review by the Law Commission.

Labour law

20. A law adopted on 13 May 2008 introduces into domestic law Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunity and equal treatment of men and women in matters of employment and work.

General principle of non-discrimination on the basis of sex

21. The Labour Code (article L 241-1 (1)) prohibits discrimination on the basis of sex either directly or indirectly by reference to, inter alia, marital status or family.

22. Direct discrimination is considered to occur where one person is treated, by reason of sex, less favourably than another is, has been or would be treated in a comparable situation.

23. Indirect discrimination is considered to occur when an apparently impartial provision, requirement or measure would be less favourable for an individual of either of the sexes compared with an individual of the opposite sex, unless the provision, requirement or measure is legitimately justifiable by a lawful purpose and the means to attain that purpose are appropriate and necessary.

24. Conduct that consists of instructing anyone to practise discrimination against persons based on sex is regarded as discrimination (article L 241-1 (4)).

[5] http://www.chd.lu/wps/portal/public/Accueil/TravailALaChambre/Recherche/RoleDesAffaires?

Scope of the prohibition against discrimination

25. According to article L 241-2 of the Labour Code the prohibition of discrimination on grounds of sex applies to all employees covered by the code with respect to conditions of access to employment, unpaid activities, or work, including selection criteria and terms of hiring, regardless of the sector of activity and for all occupational ranks, including with regard to promotion;

- Access to all types and all levels of vocational guidance, vocational training, vocational advanced training and retraining, including practical work experience;
- Employment and working conditions, including dismissals and pay; and
- Membership or involvement in an organization of employees or of employers or any organization whose members engage in a given occupation, including such benefits as may be provided by this type of organization.

26. With regard to access to employment, including the training that provides such access, a difference of treatment based on a sex-related characteristic does not constitute discrimination within the meaning of this act when, owing to the nature of the particular occupational activities concerned or the context in which they are conducted, such a characteristic constitutes an essential and fundamental occupational requirement, provided that the purpose is legitimate and the requirement is proportionate (article L 241-3).

27. The Code further indicates that the provisions relating to protection of pregnancy and maternity shall not constitute discrimination but a condition for the achievement of equal treatment between men and women (article L 241-4 (1)).

28. The principle of equal treatment shall not prevent the maintenance or adoption of specific measures to prevent or compensate for disadvantages suffered by a group of persons of the same sex to achieve full equality in practice (article l 241-4 (2)).

Nullity of clauses providing otherwise

29. The Labour Code (article L 241-9) declares null and void any provision in a contract, a collective agreement or internal regulations of a company in violation of the principle of equal treatment.

Judicial remedies

30. Employees who claim to be victims of discrimination on the basis of sex may assert their rights before the civil or administrative courts.

31. Similarly, any non-profit association of nationwide scope whose statutory activity consists of combating discrimination, which has had legal personality for at least one year prior to the events and which has previously been approved by the ministry entrusted with matters of justice may appear before the civil or administrative courts to assert rights that accrue to a victim of discrimination with regard to events constituting a violation of the prohibition against discrimination on grounds of sex and causing direct or indirect injury to the collective interests that it is established to defend by virtue of its statutory purpose, even if it cannot show a material or moral interest in the matter (article L 241-5).

32. Where an action arising from a collective labour agreement is brought by a person bound by a collective labour agreement, any trade union organization party to

the agreement can at any time intervene in proceedings where the resolution of the dispute can represent a collective interest to its members, unless it is duly objected to in writing by the person who has brought the action (article L 241-6 (1)).

33. Trade union organizations of national representation or representative of a particularly important sector of the economy can exercise before the civil or administrative courts the rights of a victim of discrimination with regard to acts constituting a violation of article L 241-1 and causing direct or indirect injury to collective interests which they are tasked to defend by virtue of their purpose, even if they cannot show a material or moral interest. L.241-6 (2).

34. However, where the offences were committed against individuals, the non-profit association or trade union organization may exercise by way of a principal action the rights of a victim of discrimination only on the condition that the persons concerned state expressly in writing that they have no objection (article L 241-7).

35. When a person alleges injury due to non-observance of the principle of equal treatment and proves before a court or other competent body facts that indicate the existence of direct or indirect discrimination, it falls to the defendant to prove that there has not been a violation of the principle of equal treatment (article L 244-3, Labour Code).

Prohibition of reprisals

36. No employee may be subjected to reprisals either for protesting against or rejecting an act or behaviour that is counter to the principle of equal treatment for women and men or for filing a company grievance or a lawsuit with the aim of securing respect for that principle (L 241-8 (1)).

37. Similarly, no employee may be subjected to reprisals for witnessing or reporting such acts (L 241-8 (2)).

38. The Code declares null as a matter of law any provision or act contrary to these provisions, and in particular any dismissal in violation of these provisions (article L 241-8 (3)), and establishes a special procedure for retention or reinstatement of the employee (article L 241-8 (4).

39. In the event of termination of the employment contract, the employee may apply within 15 days of notification of the termination by a simple request to the president of a labour court that issues urgent relief, once the parties are heard or duly summoned, to declare termination null and to order the employee's retention or, as appropriate, reinstatement in accordance with the provisions of article L 124-12 (4) of the Labour Code, which provides that in cases of nullity of dismissal the labour court shall order retention of the employee in the company where he so requests.

40. The order of the labour court is provisionally enforceable; it is subject to appeal, which is brought by filing a simple request, within forty days from the date of notification by the registry, before the presiding judge of the chamber of the court of appeal to which labour law cases are assigned. Judgment shall be entered without delay, once the parties are heard or duly summoned.

General civil service regulations

41. The acts of 13 May 2008 and 3 June 2016 respectively relating to equality of treatment between men and women have introduced the following changes to article 1 ter of the amended act of 16 April 1979 containing general civil service regulations (hereinafter "the regulations"):

"Article 1.

(Act of 13 May 2008)

"1. In the implementation of the provisions of this act, any discrimination based on sex, either directly or indirectly by reference to, inter alia, marital status or family is prohibited.

For the purposes of paragraph 1 above:

(a) Direct discrimination is considered to occur where one person is treated less favourably than another is, has been or would be treated in a comparable situation.

(b) An indirect discrimination occurs where a prima facie neutral provision, criterion or practice would put persons of one sex at a disadvantage compared with persons of the other sex, unless that provision, criterion or practice is objectively justified by a legitimate purpose and the means of achieving that purpose are appropriate and necessary.

Sexual harassment as defined in article 10, paragraph 2(2) to (4) of this act is considered a form of discrimination within the meaning of subparagraph 1.

Harassment as defined in article 10(2) (7) of this act is considered a form of discrimination within the meaning of subparagraph 1 of this paragraph.

Rejection of the conduct defined in subparagraphs 3 and 4 by the person concerned or submission thereto cannot be used to base a decision affecting that person.

Any conduct consisting of instructing anyone to discriminate against persons on grounds of sex is considered discrimination.

(Act of 3 June 2016)

"Discrimination based on a sex change is equated with discrimination based on sex."

(Act of 13 May 2009)

"2. As an exception to the principle of equal treatment, a difference in treatment based on a sex-related characteristic does not constitute discrimination within the meaning of this article when, owing to the nature of the particular occupational activities concerned or the context in which they are conducted, such a characteristic constitutes an essential and fundamental occupational requirement, provided that the purpose is legitimate and the requirement is proportionate.

3. Laws, regulations and administrative provisions relating to the protection of women, including in relation to pregnancy and maternity, shall not constitute discrimination but are a condition for the achievement of equal treatment between men and women."

42. It should also be noted that through the 25 March 2015 reforms, equality of rights, guaranteed by the Regulations, was strengthened by three very concrete measures for combating inequality between women and men which may arise from insufficient recognition of the specificities of working conditions and specific constraints related to the reconciliation of private and working life:

(a) Chief of division/chief of service

It was noted that staff members occupying the post of chief of division/chief of service were excluded from half-time leave and part-time service.

Accordingly, article 31 (2) (2) and article 31 (1) (2) (b) of the Regulations shave been supplemented to address them:

"Article 31. Leave for half-time work.

(Act of 25 March 2015)

"The leave for half-time work referred to in this paragraph may be granted to all staff, except those performing a managerial role within the meaning of the amended act of 9 December 2005 laying down the conditions and modalities for the appointment of certain officials in managerial positions in government services. Staff members on leave for half-time work may not perform managerial functions as defined above.

"Art. 31. 1. Part-time employment.

"2. The following are not eligible for part-time service:

[...]

(b) (Act of 25 March 2015) "Staff performing a managerial role within the meaning of the amended act of 9 December 2005 determining the conditions and modalities for appointment of certain officials in managerial positions in government services. An official on part-time service may not perform managerial functions as defined above.

(b) Release from service in order to enrol in a course of study that could lead to an additional qualification

The new article 19 ter of the Regulations introduced the possibility of release from service for staff wishing to enrol in a course of study leading to a higher-level diploma.

This release may be granted to full-time staff as well as those serving in part-time post and those on leave for half-time work.

(c) Family allowance: uniform amount of 27 index points

The third measure that has been adopted took into account new forms of organization of family life marked by a dramatic increase in the number of single-parent families and increasing family recompositions.

The pattern of allocation of family allowances was adjusted in the form of a lump sum of 27 index points irrespective of pay grade, linked to actual responsibility for one or more children (article 18 of Regulations).

Finally, it should also be noted that on 5 December 2016, the Minister of Public Service and the representatives of the General Confederation of Civil Servants (CGFP) signed a new wage agreement covering the years 2016, 2017 and 2018.

It contains an Item III entitled "work-life balance"

43. The specific measures to be implemented through legislation or Grand Ducal regulations, are:

(a) The new rules applying in the private sector and concerning family leave shall be applied mutatis mutandis to civil servants.

(b) Leave for half-time work and the current part-time service will be replaced by a new system organized in steps for 90 per cent, 80 per cent, 75 per cent, 70 per cent, 60 per cent 50 per cent and 40 per cent of full-time work, with:

i. A part-time service of indefinite duration where only the importance of the service is dispositive of whether or not to grant it;

ii. A right to part-time service for a fixed term for the education of children not yet admitted to the second cycle of basic education;

iii. A part-time service for a fixed term:

- for the education of children up to age 16;
- for personal reasons, for up to 10 years' duration;
- for professional reasons for a maximum of 4 years, and may be extended in exceptional circumstances for up to 2 years.

(c) The current social leave of 8 hours per month will be replaced by a social leave of 24 hours every 3 months (January–March, April–June, July–September, October–December). The conditions and procedure for granting social leave are yet to be determined.

(d) The current draft law on the establishment of a system of time savings accounts will be reviewed together with the General Civil Service Confederation (CGFP) to introduce a new bill in the legislative process no later than July 2017.

(e) The possibility of allowing part-time service will be extended to staff referred to in the amended act of 9 December 2005 determining the conditions and procedure for appointment of certain officials in managerial positions in government services. Part-time service can of course be granted only if it is not contrary to the interests of the service.

Access to justice

Point 3

44. Included in the National Action Plan on Gender Equality, training sessions constitute a policy instrument for equality of women and men and, in particular, bringing about a change of attitudes.[4]

45. Since 2011, the Ministry of Equal Opportunity has provided a basic course on gender equality in the context of induction of trainees at the National Institute of Public Administration (INAP).

46. Since 2014, training has been offered in the context of further training for equality officers in the civil service. Currently, over 120 equality officers have been identified in ministries and departments of the public sector. The function of the equality officer requires expert knowledge on the field of gender policy as well as on national legislation concerning all aspects of equal treatment and non-discrimination between women and men. In order to better meet the needs of equality officers in the performance of their missions and to provide training in necessary "hard and soft skills", the Ministry of Equal Opportunity, together with the INAP, has organized regular training sessions reserved exclusively for the civil service. In addition to these

[4] http://www.mega.public.lu/fr/acteurs/comites/interministeriel/Mise-en-oeuvre-du-Plan-d_egalite-des-femmes-et-des-hommes-2015-20181/PE2015-2018-vd.pdf

trainings, the Ministry also provides regular meetings for equality officers through a network for exchange of good practices held in the context of positive action in the public service.

47. On request, the Ministry of Equal Opportunity also organizes briefings or training on specific topics relating to the equality of women and men.[5]

Point 4

48. In Luxembourg, the Constitution enshrines the principle of equality before the law in article 10 bis. In addition, there is a constitutional principle of equality between women and men, proclaimed in article 11 (2) of the Constitution: "Women and men are equal in rights and duties. The State shall actively promote the elimination of such obstacles as may exist with respect to gender equality". Any breach of the principle of equality is considered discrimination. Legal provisions prohibiting discrimination based on sex are to be found primarily in criminal law, and specifically in articles 454 and following of the Penal Code.

49. The Grand Duchy of Luxembourg has gender-neutral legislation. Access to justice is guaranteed to every person, woman or man. Any person who proves that she/he does not have sufficient income, is entitled to legal aid under conditions provided by the law.[6]

50. The reception and legal information services provided by Justice attend to any person who wishes to obtain information and referrals to the competent services.[7] The legal information is provided in the course of a personal and confidential interview with a person under the General Prosecutor's Office. Legal information is a service provided free of charge.

51. There is also a legal information service with the General Prosecutor's Office that is geared to women in particular, the "Women's Rights Service", which aims to provide free general legal information on issues specific to women.[8] This service is traditionally provided by a magistrate (usually a woman). However males wishing to obtain information can also apply to this service.

52. The Victim Support Service of the General Prosecutor's Office also provides legal service and moral, financial and material support to any person.[9] The Centre for Equal Treatment (CET) is also authorized to provide assistance to persons who consider themselves to be victims of discrimination by providing them with advice and guidance.[10]

53. Under the Act of 8 March 2017 strengthening procedural guarantees in criminal matters, the Code of Criminal Procedure in article 3-4 provides a free interpreter for persons who do not understand the official language of the country.[11] Article 3-5 also provides for free translation of all documents notified or served.

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[5] http://www.justice.public.lu/fr/aides-informations/accueil-info-juridique/index.html

[6] http://www.guichet.public.lu/citoyens/fr/sante-social/action-sociale/assistance-judiciaire/demander-assistance-judiciaire/index.html

[7] http://www.justice.public.lu/fr/aides-informations/accueil-info-juridique/index.html

[8] http://www.justice.public.lu/fr/aides-informations/droits-femme/index.html

[9] http://www.justice.public.lu/fr/aides-informations/assistance-sociale/scas-service-aide-victimes/

[10] http://cet.lu/fr.

[11] http://legilux.public.lu/eli/etat/leg/loi/2017/03/08/a346/jo

National machinery for the advancement of women

Point 5

Ministry of Equal Opportunity

54. The Grand Ducal Decree of 24 July 2014 establishing ministries provides for the competence of the Ministry of Equal Opportunity as a distinct ministry and defines its functions as follows:

> "8. Ministry of Equal Opportunity
>
> 1. National and international policy in favour of equality of women and men and non-discrimination between the sexes;
>
> - Coordination of a National Action Plan on Gender Equality;
> - Mainstreaming of the gender dimension in political actions in partnership with ministerial departments.
> - Studies on impact of legislative measures on the equality of women and men.
>
> 2. Coordination of policies on equality between women and men and non-discrimination between the sexes
>
> - Interministerial committee on equality of women and men.
> - Committee on affirmative action in the private sector
> - Committee on cooperation between professionals combating violence.
>
> 3. Management of services working in the interest of the equality of women and men.
>
> 4. Drafting of legislation and implementation of actions to promote the equality of women and men.
>
> 5. Committee on female employment.
>
> 6. Relations with national, regional and international bodies working in the interest of women, men and the equality of women and men."

55. The ministry was established in 1995 as the "Ministry for the Advancement of Women", its purview being extended in 2005 to become the "Ministry of Equal Opportunity", its sole jurisdiction being policy on equality of men and women. Other grounds for discrimination fall under the competence of the Ministry for the Family, Integration and the Greater Region.

56. As of 15 September 2017, 13 staff were assigned to the Ministry of Equal Opportunity: 4 men and 9 women.

Trends in the budget of the Ministry of Equal Opportunity since 2009 (€)

2009	*2010*	*2011*	*2012*	*2013*	*2014*	*2015*	*2016*	*2017*
9 640 105	10 275 784	10 810 263	12 272 665	12 603 734	12 029 537	13 006 362	13 186 179	15 412 347
	+ 6.59%	+ 5.20%	+13.5%	+ 2.70%	-4.56%	+8.12%	+1.38%	+16.8%

57. The operation of shelters and counselling centres working for equality of women and men is by far the largest expenditure item in the budget of the Ministry of Equal Opportunity, reaching approximately 90 per cent each year.

58. The Ministry of Equal Opportunity has as its main tasks:

- To combat inequalities between men and women;
- To promote gender equality, as well as a balanced representation of women and men in all areas and at all levels.

59. The philosophy of this idea is to respect in all areas (work, leisure, family, education, health, environment, assistance to the third world and others) the specific needs and interests of men and women.

Point 6

The 2015–2018 National Action Plan on Gender Equality

60. On 8 March 2015, the Government adopted the 2015–2018 National Action Plan on Gender Equality (Equality NAP) and the Ministry of Equal Opportunity was entrusted with coordinating the implementation of the different measures contained in the Plan through the Interministerial Committee on Equality of Women and Men.

61. The Equality NAP, by which the Government undertakes to promote equality between women and men in all areas and at all levels of society, was prepared on several bases:

- The government programme of 2014;
- The main findings of the scientific assessment of the Plan of Action on Gender Equality (Equality NAP) 2009–2014;
- The policy priorities of the Ministry of Equal Opportunity;
- Policy priorities in the area of equality between men and women identified by other ministerial departments.

62. 19 distinct ministerial departments have contributed to the formulation of Equality NAP 2015–2018 and are responsible for the implementation of their respective measures.

63. The Equality NAP provides for interim implementation progress reports to be submitted annually to the Council of Government.

64. The Government took note of a first progress report on implementation on 29 July 2016.

65. At that time,

- 9 measures had been carried out (8.65 per cent);
- 68 measures were under way (65.39 per cent); and
- 27 measures had not yet been initiated (25.96 per cent).

66. In addition, there were 24 measures of the Ministry of Equal Opportunity of which 92 per cent were being implemented.

67. The Council invited each minister to continue or intensify ongoing work in this context in departments falling under their responsibility. The Council also requested

its members to review the involvement of equality officers in the implementation of the Plan of Action on Gender Equality 2015–2018.

68. In preparing the first interim report, the level of achievement of measures was divided into 3 categories:

1. Measure achieved
2. Measure in process of realization
3. Measure the achievement of which was postponed
4. Permanent measure

69. Going forward, on the proposal of the Interministerial Committee on Equality of Women and Men, a fourth level of achievement has been added to take into account the continuing nature of certain measures such as training, the development of gender-disaggregated statistics, the inclusion of the gender dimension in all policies or a balanced representation of men and women in decision-making bodies.

70. In its meeting of 14 July 2017, the Government took note of the second progress report on implementation of the Equality NAP 2015–2018.

71. As at 1 July 2017

- 16 measures had been carried out (16 per cent);
- 33 measures are currently being carried out (32 per cent);
- 16 measures had been postponed (16 per cent); and
- 39 measures are of a continuing nature (38 per cent).

72. In summary, 85 per cent of measures contained in the Plan of Action on Gender Equality 2015–2018 are completed, under way or of an ongoing nature.

73. Equality officers have been involved 43 times both as regards the 88 measures completed, in progress or continuing (49 per cent).

74. The Plan of Action on Gender Equality 2015–2018 is attached to this report as an integral part thereof.

Point 7

National human rights institutions working against sex-based discrimination

75. The Advisory Commission on Human Rights (CCDH) advises the Government on human rights, gives its opinion on various bills, and makes recommendations regarding human rights, including the rights of women, in the form of opinions, reports and press releases. The Advisory Commission does not have the mandate to decide on specific cases of discrimination. The Advisory Commission is not empowered to bring cases of persons subjected to discrimination before the courts.

76. The Centre for Equal Treatment (CET) was set up under the act of 28 November 2006. The Centre for Equal Treatment operates independently, with the aim of promoting, analysing and monitoring equal treatment for all persons without discrimination on grounds of race, ethnic origin, sex, sexual orientation, religion or belief, disability or age. Discrimination based on a sex change is equated with discrimination based on sex.

77. In fulfilling its mandate, the CET may:

- Publish reports, issue opinions and recommendations and undertake studies on all matters related to discrimination;
- Produce and provide any information and documentation that serves the purpose of its mandate;
- Provide aid to persons who consider themselves to be the victims of discrimination by providing them with advice and guidance designed to inform victims regarding their individual rights, legislation, jurisprudence and available remedies. Where appropriate, the CET may transfer a case of discrimination to the General Prosecutor's Office.

78. The Ombudsman set up under the act of 22 August 2003, may not intervene in conflicts in the workplace, whether in the public or private sector. The Ombudsman has competence solely in respect of disputes with government or public institutions, but the labour relations between public authorities/institutions and their officials or employees are formally excluded from its competence by law. It should be noted that since the creation of the post of Ombudsman two of the three persons who have filled the post have been women.

Other governance bodies of the national machinery for the advancement of women

Interministerial committee on equality of women and men.

79. Under the amended Grand Ducal regulation of 31 March 1996 establishing an interministerial committee on equality of women and men, this committee is the point of interaction in the field of gender between the ministry responsible for equal opportunity and other ministries.

80. Given its composition, the committee was intended to serve as a platform to monitor implementation at the government level of policies of equality of women and men, in particular the Plan of Action on Gender Equality 2015–2018.

81. It is in this light that the Grand Ducal regulation of 15 December 2016 on

1. amending the Grand Ducal regulation of 31 March 1996 establishing an interministerial committee for equality between women and men and the establishment of gender competency groups in ministries,

2. amending the Grand Ducal regulation of 24 November 2003 concerning the Committee on Cooperation between Professionals Combating Violence, and

3. repealing the Grand Ducal regulation of 10 July 1974 on equal pay between men and women has amended the regulatory basis of the interministerial committee to incorporate the new mission to monitor the implementation of the Plan of Action.

82. To enable the committee to devote itself fully to monitoring the implementation of the Plan of Action on Gender Equality any other matter related to equality between men and women, it is relieved of its mission of consultation on draft bills that could have an impact on equality of women and men.

83. Discussions are under way in the Government to reform the impact analysis in terms of gender of laws and regulations at another level of the legislative and regulatory process. The committee meets at least twice annually.

Equality officers

84. In 2014, over 120 equality officers were identified in ministries and departments of the public sector. Their planned assignments under the Grand Ducal regulations are manifold and require officers to have a diverse mix of skills.

85. Firstly, in order to carry out their mission of providing information and advice, the function of the equality officer requires expert knowledge in the field of gender policy, as well as in national legislation on all aspects of equal treatment and non-discrimination between women and men.

86. Secondly, the person responsible for equality policy will be the focal point in case of workplace harassment or sexual harassment within the administration. This delicate task requires competencies in mediation, communication and conflict management.

- In order better to meet the needs of equality officers in the execution of their missions and to provide training in necessary "hard and soft skills", the Ministry of Equal Opportunity, together with the National Institute of Public Administration (INAP), has organized regular training sessions reserved exclusively for equality officers of the civil service.
- In addition to these trainings, the Ministry of Equality also provides regular meetings for equality officers through a network for exchange of good practices held in the context of affirmative action in public service.

Gender competency groups

87. The amended Grand Ducal regulation of 31 March 1996 establishing an interministerial committee on the equality of women and men and on the establishment of gender competency groups in ministries provided for the introduction in each ministry of a unit on gender competency, with a permanent secretariat and mandatory training in gender issues.

88. Each gender affairs unit is responsible for ensuring inclusion of the gender dimension in the actions and policies of its ministry from their inception. Its mission is to prepare a status report for its ministry, to analyze the ministry's actions and policies from the gender viewpoint, and to prepare a multi-year gender equality work plan defining guidelines, goals and expected outcomes.

89. Especially in view of the very ambitious missions of these units, duplication of certain missions with the interministerial committee, in respect of the equality delegates, lack of staff with expertise in this area and in particular the workload of officers who often have overlapping terms of reference in the three aforementioned entities (interministerial committee, equality officer, member of the gender competency unit), gender competency groups have been put in place only very sporadically since 1996 and have never been operational in the great majority of ministries.

90. Against a background of streamlining of structures and procedures, the obligation to establish a gender competency unit in each ministry was removed by the Grand Ducal regulation of 15 December 2016:

> 1. Amending the Grand Ducal regulation of 31 March 1996 establishing an interministerial committee for equality between women and men and establishing gender competency groups in ministries;

2. Amending the Grand Ducal regulation of 24 November 2003 concerning the Committee on Cooperation between Professionals Combating Violence;

3. Repealing the Grand Ducal regulation of 10 July 1974 on equal pay between men and women.

91. Henceforth, each member of the Government has individual choice on the method to integrate the issue of equality between men and women in its work.

Thematic committees under the authority of the Ministry of Equal Opportunity

Committee on Female Employment

92. The Committee on Female Employment (CTF) is an advisory body to the Government established by a Grand Ducal regulation of 27/11/1984.

93. It considers either on its own initiative or at the request of the Government all issues related to the activity, training and occupational promotion of women.

94. The CTF is empowered to propose on its own initiative, to either the Government or the minister responsible for equal opportunity, its supervising minister, all actions which might help to improve the situation of women.

95. The committee is composed of 21 members and an equal number of alternate members, appointed by the minister having responsibility for equal opportunity, for a renewable term of three years.

96. It comprises:

- Four representatives of women's associations proposed by the National Council of Women of Luxembourg;
- Four representatives of professional organizations of employers;
- Four representatives of the most representative trade unions at the national level;
- Nine representatives of the Government.

The Committee on Affirmative Action

97. Created by the Grand Ducal regulation of 25 October 1999, the Committee on Affirmative Action assesses projects introduced by private sector companies to obtain approval by the Minister of Equal Opportunity.

98. It is responsible for issuing an opinion on any proposed affirmative action in accordance with the Labour Code.

99. The Committee on Affirmative Action includes representatives at the government level appointed by the respective ministries, as well as representatives designated by professional associations, including the Chamber of Trades, the Chamber of Commerce and the Chamber of Employees.

Committee on Cooperation between Professionals Combating Violence.

100. Introduced by the Grand Ducal regulation of 24 November 2003, the committee has a dual mission, i.e. to centralize and explore statistics compiled by the above-mentioned bodies and to review implementation and potential problems of practical application of legislation in this field in order to submit to the Government any proposals that it deems necessary.

101. The committee is an advisory body between professionals in the field of combating violence and performs a vital role as a forum for discussion between different stakeholders for better cooperation in this sensitive area.

102. The Grand Ducal regulation of 24 November 2003 on the Committee for Cooperation between Professionals in Combating Violence, as subsequently amended, provides that at least once a year, by 1 May of each year, the committee shall transmit, in the form of a written report, the statistics and the results of these reviews to the Government, through the Minister for Equal Opportunity.

Prostitution

103. The "Prostitution" platform was introduced in October 2012 within the Ministry of Equal Opportunity and brings together the stakeholders involved in the management of prostitution in Luxembourg: the ministries of equal opportunity and justice, the *DropIn and HIV-Berodung* services, the Luxembourg Red Cross, the Office of Social Intervention of the City of Luxembourg, the General Prosecutor's Office and the Grand Ducal Police. In the context of draft law 7008, it is anticipated that the platform will be transformed into a standing committee.[12]

Thematic committees which representatives of the Ministry of Equal Opportunity systematically attend

- Interministerial Committee on Human Rights
- The Interministerial Committee on Youth
- Interministerial Committee on Children's Rights
- The Interministerial Committee for the Coordination of Cross-border Cooperation in the Greater Region
- The Interministerial Committee for the Coordination of EU policy
- The Interministerial Committee for the Strategy for Social Inclusion
- Interministerial Committee for Cooperation for Development
- The Standing Committee for Combating Trafficking in Persons
- National Committee for Promotion of Entrepreneurship
- Harmonization Commission and the Joint Commission established under the act of 8 September 1998 governing relations between the state and organizations working in the social, family and therapeutic fields
- Interdepartmental Commission for Sustainable Development
- Interministerial network "Europe 2020"
- Joint Commission Governing the Relationship between the State and Organizations Working in the Social, Family and Therapeutic Fields
- The Interministerial Committee for the Convention on the Rights of Persons with Disabilities and "Disabilities" Action Plan

[12] http://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServingServletImpl?path=/export/exped/sexpdata/Mag/137/605/163064.Pdf

- Interministerial Working Group on "National Action Plan for Education on Sexuality and Emotional Health"

104. The list is not exhaustive; the main role of representatives of the Ministry of Equal Opportunity in committees and groups is to raise awareness on integration and to ensure attention to the gender dimension in all of the thematic issues discussed.

Extraterritorial obligations

Point 8

105. The general regulatory framework for industries and enterprises operating in the territory of Luxembourg is governed by the Labour Code (see Item 2).

106. The Ministry of Economy has a National Focal Point for the implementation of the OECD Guidelines for Multinational Enterprises, where persons affected by enterprises or companies located in Luxembourg may lodge complaints.[15] The establishment of an Interministerial Monitoring Committee to examine the claims in question is under way.

107. In 2017, The Luxembourg Government initiated the drafting of a national action plan on business and human rights, on the basis of the guiding principles of the United Nations adopted by the General Assembly in 2011. The launch of this work, which takes place in a multi-stakeholder working group that brings together representatives of the state, civil society and the business community, was notified to the United Nations Working Group on Business and Human Rights.

Temporary special measures

Point 9

108. In Luxembourg, it is in the area of decision-making is that inequalities between men and women are the most glaring. To address this imbalance, the government programme provides that

> "The Government will initiate a firm policy of balanced representation between women and men in decision-making.
>
> To set an example, the Government will intervene at levels where it can directly reduce the imbalance that still exists despite the voluntary efforts that have been proposed in recent years.
>
> The coalition parties will amend the law on the financing of political parties by introducing the obligation for political parties to ensure a quota of 40 per cent of the under-represented gender on the lists of candidates subject to funding by political parties. Fines are prescribed for non-compliance with the legal provisions. The act will enter into force for the next legislative elections.
>
> The Government will ensure promotion of a balanced representation of women and men on the boards of public institutions:
>
> The Government intends to achieve a representation of 40 per cent of the under-represented sex on these boards by 2019. The Government also intends to

[15] https://www.gouvernement.lu/5125749/pcn

achieve a representation of 40 per cent for the under-represented gender in appointments to the boards of private companies that it can fill as shareholder.

The Government will support the proposal for a directive of the European Commission to ensure a more balanced representation of women and men on the boards of listed companies."

109. On 12 September 2014 the Government finalized its strategy to achieve a better balance between men and women in economic and political decision-making. This strategy aims to implement the ambitious targets set by the new Government and is an important step towards a more balanced sharing of roles and responsibilities between men and women in all spheres of life.

110. The strategy contains nine measures pertaining to the business world, namely:

- Formal and transparent process in appointment by the Government of members of the boards of public institutions;
- Formal and transparent process in appointment by the Government of board members of companies in which the state holds a stake;
- Factual and systematic reminders to actors external to the Government proposing members on the boards of public institutions and enterprises in which the state holds a stake;
- Systematic and professional monitoring of trends with regard to equality in economic decision making by the Ministry of the Economy;
- Co-financing, extension and promotion of a database containing profiles of women ready to assume a mandate on a board of directors;
- Active support of the proposal for a directive of the European Commission on listed companies;
- Encouragement of enterprises not falling under any category mentioned above to set concrete and measurable voluntary targets to achieve a better balance between women and men in decision-making;
- Extension of the programme of affirmative action;
- Business networking in the programme of affirmative action.

111. The strategy contains two measures pertaining to the political world, namely:

- Amendment of the law on financing political parties by introducing financial sanctions for political parties that do not respect the quota of 40 per cent of the under-represented sex;
- Systematic and professional monitoring of trends with regard to equality in policy decisions by the Ministry of State;

112. The act of 15 December 2016 on (1) Amendment of the Labour Code, (2) amendment to article 2 of the amended act of 21 December 2007 regulating the funding of political parties registered under Luxembourg legislation, with the obligation for political parties to ensure a quota of 40 per cent of each sex on candidate lists for legislative elections and 50 per cent for European elections. For reasons of both clarity and legal certainty, the bill takes as a parameter for calculation the number of natural persons rather than the percentages adopted by the government programme.

113. For national legislative elections, by providing the share of funding due on the basis of point 2, article 2 of the amended act of 21 December 2007 regulating the funding of political parties, will decrease in relation to the total number of candidates of each sex on the lists submitted in the constituencies, as follows.

Number of candidates of one sex registered to run	*Funding due*
24	100%
23	95%
22	90%
21	85%
20	80%
19	70%
18	60%
17	50%
16	40%
15	30%
Under 15	25%

114. For legislative elections, this calculation applies, as a transitional measure, to only 50 per cent of the grant payable. The second half is paid irrespective of the sex of candidates.

115. For the European Parliament elections, the bill calls for parity, i.e. 50 per cent men and 50 per cent women on the lists.

116. If this target is not reached, the grant due on the basis of point 3 of article 2 of the amended act of 21 December 2007 regulating political party funding will be reduced as follows: 75 per cent will be paid where there are two candidates of one sex, 50 per cent in the case of one candidate of one sex and 25 per cent if a list is "unisex".

117. Since local elections do not fall within the scope of legislation on the financing of political parties, a quota system with sanctions for non-compliance with such quotas is not provided for.

118. The Ministry of Equal Opportunity has put in place, with a multitude of actors including the largest political parties and the Association of Luxembourg Cities and Municipalities (Syvicol), a broad national partnership to motivate the under-represented gender, namely women, to put forward candidates and respectively to sensitize voters for a better balance between men and women in political decision-making at the municipal level.

119. The thematic website www.votezegalite.lu provides a more detailed overview on the various actions carried out within the framework of this campaign.

Stereotypes and harmful practices

Point 10

120. The fight against gender stereotypes is a political priority of the Government and is part of the daily work of the Ministry of Equal Opportunity.

121. In this context, training is one of the fundamental pillars of advocacy in the medium and long term, often leading to a change in attitudes.

122. Since the establishment of the ministry in 1995, trainings have been proposed to the public either with their own organization or in conjunction with experts and external experts, including training on equal pay, gender-related training for trainers, equality officers and political leaders.

123. Since 2011, the Ministry of Equal Opportunity has provided a basic course on gender equality in the context of initial training of trainees at the National Institute of Public Administration (INAP). The course is compulsory for all new staff recruited in the state and municipal civil service.

124. Since 2014, training has been offered in the context of further training for equality officers in the civil service.

125. On request, the Ministry of Equal Opportunity also organizes briefings or training on specific topics relating to equality of women and men.

126. A significant portion of the budget of the Ministry for Equal Opportunity is reserved for the development and dissemination of media campaigns to raise public awareness of the issue of equality between men and women and, more specifically, the imbalances that continue to exist.

127. In this context, the key message to get across is not competition, but complementarity between men and women.

128. The Government's current equality policies do not simply combat inequalities and discrimination against girls and women but also include men as agents and beneficiaries of the policies.

129. The aim is to break the stereotype that gender issues relate only to women. It needs to be emphasized that men too can be subject to discrimination, inequality and difficult life situations related to various societal factors such as unemployment, homelessness or violence. Until 2012, Luxembourg had shelters and counselling centres only for girls and women in distress. The first counselling centre for men in distress, INFOMANN, opened its doors in November 2012 and has since that time offered psychological consultations as well as training in social and psychosocial work with boys ("Jungenarbeit") for personnel working in youth homes or halfway houses or working for social managers dealing with boys in their daily work.

130. Moreover, in order to achieve equal participation between women and men in the labour market or in economic and political positions, it is necessary to break the stereotype that the man is the almighty head of household fated to feed his family and women remaining at home. Today men want to participate more in family life and to be more involved in the education of their children. This creates new opportunities for women who want to advance their careers.

131. In this context, the Luxembourg presidency of the Council of the European Union placed particular emphasis on the issue of reconciling family/private life and working life by men in an informal meeting of the EPSCO Council in July 2015.

132. Following up on this event, the Ministry of Equal Opportunity organized in October 2016 the Third International Conference on Men and Equal Opportunity (ICMEO) under the theme "Men and Care". The Conference featured six workshops which discussed, inter alia, the issue of men and their children's education, men and so-called "CARE" professions, the responsibility of men in the household, men and care of older persons and finally the involvement of men in volunteer work.

133. The Conference had the merit of breaking with the classic stereotypes related to gender and encouraging discussion on the reversal of roles respectively assigned to men and women. These initiatives are expected to lead to further action, inasmuch as other European Union member States will pursue this topic during their presidencies of the Council of the European Union, for example Estonia. At the national level, the act of 3 November 2016 amending parental leave is designed to promote the reconciliation of family and working life, to create a strong relationship between children and their parents, to better meet the needs of parents, to increase the proportion of fathers who take advantage of it, to promote equal opportunities and to increase the number of people who make use of it.

134. The Ministry of Equal Opportunity is aware that it must take action against stereotypes from the youngest age. To this end, the ministry has launched two innovative projects that have been a great success among the target public, such as children of 4–7 years with the project "PIXI-Buch" and students in basic education with the project "MEGASPILL"

135. The "PIXI-BUCH" children's book project has been developed in cooperation with the publishing house Carlsen in Germany and is entitled "Mum is the Mayor". It is an educational booklet on gender stereotypes, including on the topic of the under-represented gender in politics and stereotypes with regard to work-life balance. These publications enjoy great popularity with children (and professionals working with children) in German-speaking countries, including Luxembourg. The publication is available in French and German and includes a number of pictures and basic text easily understandable by children 4 to 7 years old. Two more "PIXI-BUCH" books are being developed for the year 2017.

136. In September of 2014 the Ministry of Equal Opportunity launched "MEGASPILL". This is in fact a version of the game "Memory" which consists of finding a pair of matching cards although the backs of all the cardboard cards are identical and neutral. Occupations that are "typical" and "atypical" for women and men are shown on the face of the cards in the MEGA version of the memory game, and the object of the game is to find a man and a woman practicing the same occupation by sorting out the pairs that have already been matched: a male electrician with a female electrician, a female hairdresser with a male hairdresser, etc. The Ministry of Equal Opportunities thus seeks to give thematic treatment to clichés and stereotypes that may still exist in business and the workplace, already leading younger people to think about the issues while playing a game that is entertaining and interesting. In this way, young people will already call into question the clichés that are too often to be found in this area, will think about them and will therefore already be more open to other possibilities in their future occupational expectations. Their attitudes may already have evolved far beyond the stereotypes mentioned above.

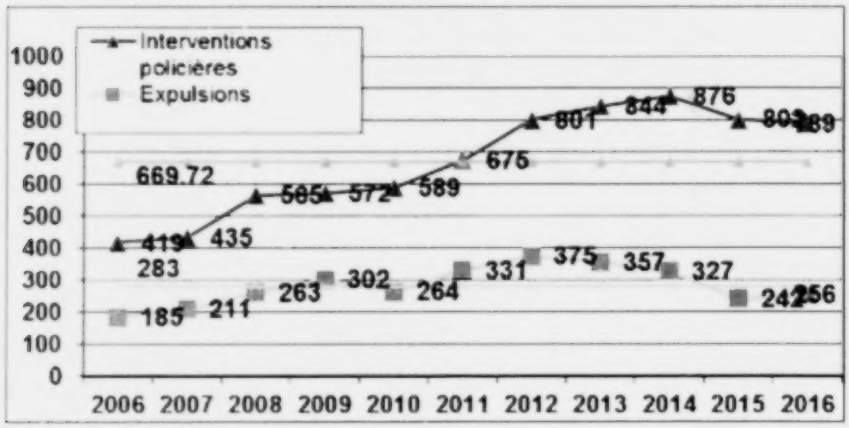
Violence against women

Point 11

137. Monitoring of the phenomenon of domestic violence in Luxembourg is ensured by the amended act of 8 September 2003 on domestic violence, which was reformed in July 2013 with a number of substantial improvements as a general framework on the care of both adult and minor victims of domestic violence. The essential elements of the reform are presented in point 13.

138. The act established a committee for cooperation between professionals in combating violence, composed of representatives of the ministries of equal opportunity, internal security and justice, the Prosecutor's Office to the district courts of Luxembourg and Diekirch, the Grand Ducal Police, the assistance services for victims of domestic violence (SAVVD) and perpetrators of domestic violence (*Riicht eraus* – counselling for domestic violence offenders). The committee issues an annual report to the Government with figures on domestic violence, which is reproduced in the following chart:

Police interventions and expulsions 2006–2016



Sources: Grand Ducal Police, Prosecutors' Office of the district courts of Luxembourg and Diekirch, Chart: Ministry of Equal Opportunity

139. Expulsion refers to the obligation of a perpetrator of domestic violence, by order of the Public Prosecutor, to leave the common dwelling for a period of 15 days, which may be extended for a period of three months. It is not a judgement but an administrative measure against the perpetrator of domestic violence. Victims of course have the right to file a complaint in parallel.

140. Police intervention means interventions by the Grand Ducal Police in cases of domestic violence. The figure above shows a certain downward trend since 2014, although evictions have increased slightly from 2015.

141. Concerning statistics on violence against individuals, including against women and girls, the annual performance report of the Grand Ducal Police force provides information on the type and number of violent offenses. On prosecutions and convictions, the annual performance report issued by the Ministry of Justice provides information on criminal prosecutions.

142. On the basis of these figures, the Committee makes recommendations on domestic violence and oversees the implementation of the amended act of 8 September 2003 on domestic violence as part of an annual report to the Government. The committee liaises also on other forms of violence at regular intervals and extends invitations to experts providing information on initiatives, projects and campaigns that could be useful in combating violence in Luxembourg.

143. Concerning the care of victims of domestic violence, they may apply to different associations that address their needs. These associations, through qualified staff,

provide a range of measures to assist victims of domestic violence. These include counselling, psychological support, mentoring, as well as various resources of information, support and follow-up in family, marital, personal, legal, financial, administrative and occupational-guidance matters. These associations can also provide shelter for women, for women in distress with or without children, and or for victims of domestic violence. When the expulsion measure under the amended act of 30 July 2013 is applied, the support service for victims of domestic violence contacts the alleged victim directly. Victims may also take the initiative to contact the counselling centres.

144. Nine shelters for women, girls and women with children (shelters for women, girls and women with children) and 10 counselling centres for women and girls (counselling for women and girls) are run by foundations or non-profit associations that operate shelters and counselling centres for women and girls in distress. These shelters and counselling centres are financed through the budget of the Ministry of Equal Opportunity; the budget of the Ministry of Equal Opportunity is funded annually by the state budget. In 2015, the ministerial budget amounted to 13.92 million euros; 89 per cent of the MEGA budget was earmarked for operating shelters and counselling centres working for gender equality, including women and girls who are victims of domestic violence. These contributions enable funding of costs for organization and operation, including infrastructure, qualified staff as well as the means to finance trainings, conferences, information leaflets, etc. It should be noted that these funds are steadily increasing.

145. The Ministry of Equal Opportunity also places particular emphasis on working with of domestic violence offenders. It is important to make them accountable for their conduct and to encourage sustainable awareness that violence is a crime and not a peccadillo. The Red Cross service *Riicht eraus* has existed since 2003, the year of the entry into force of the amended act of 8 September 2003 on domestic violence. The aim of counselling and assistance to perpetrators by the Luxembourg Red Cross is to reduce domestic violence by working with the person at the source. The team is trained to receive the perpetrators of violence, to educate, counsel and support them. Consultations are available in French, Luxembourgish, Portuguese, English and German, by appointment only. The service is open to all perpetrators of violence: men, women and adolescents from 17 years of age, without discrimination of any kind.

Point 12

146. In the area of advocacy regarding violence in general and domestic violence in particular, the Ministry of Equal Opportunity has initiated a number of measures and events that have contributed to increased awareness of the different aspects of violence against women in our society and the need to act continuously in a targeted manner in order to change attitudes also among non-Luxembourgish communities.

147. On the occasion of the International Day against Violence against Women, celebrated on 26 November 2015, Minister of Equal Opportunity Lydia Mutsch and Director of the European Institute for Gender Equality (EIGE), Virginija Langbakk gathered at Luxembourg Casino to launch the campaign "White Ribbon" — a Forum of Contemporary Art, in the presence of Chamber of Deputies President March di Bartolomeo, Prime Minister Xavier Bettel, Deputy Prime Minister and Minister of Internal Security Etienne Schneider, Minister of Social Security and Development Cooperation Romain Schneider, and the Secretary of State for Higher Education, Education, Children and Youth Marc Hansen. The origin of this campaign can be

traced to 6 December 1989 when a man at the Polytechnic of Montréal, caused the death of 14 persons, including 10 women. It was after this tragedy that an association called "White Ribbon" was formed by young male students who wanted to take a firm stand opposing violence against women. Since its establishment, EIGE has been promoting this movement under the motto "Engaging men" working worldwide through networks of influential men and male public figures to take part in the movement and take a stand as men against violence against women.

148. The Ministry of Equal Opportunity is seeking to further focus its campaigns of information, prevention and raising of public awareness on domestic violence in non-Luxembourgish communities. Noteworthy in this context is the campaign "Violence hurts the whole family" which was launched in 2012 and re-launched in 2017 in seven different languages with the aim of widening the campaign's visibility beyond the population of Luxembourg (www.violence.lu).

149. Beyond the aforementioned campaign, the Ministry of Equal Opportunity and the confederation of Portuguese communities of Luxembourg (CCPL) with the collaboration of the various actors on the ground (Police, Prosecution, Support service for victims of domestic violence and the service dealing with perpetrators of domestic violence) have since 2013 sponsored the project "Stories — theatre-discussion" an educational theatre project focused on preventing domestic violence. This tool is interactive and adapted especially to the culture and language of the Portuguese-speaking community. The project is a key element of the awareness-raising campaign for better prevention of domestic violence addressed to the Portuguese-speaking community at the local and regional levels, respectively. It is planned to extend the educational theatre and prevention of domestic violence projects to other non-Luxembourgish communities living in Luxembourg.

150. The non-profit association Women in Distress, which is approved by the Ministry of Equal Opportunity, offers training sessions on domestic violence which are a mandatory part of general training for future police officers and voluntary for staff of social services and shelters for women in distress as well as for officials of the Prosecutor's Office. These courses take place two or three times a year and are aimed at improving detection of conjugal/domestic violence in the Government's efforts.

Point 13

151. In the area of European law, note should be taken of directive 2011/99/EU of 13 December 2011 on the order of European protection in criminal cases, establishing a mechanism for recognition among the Member States of protection orders issued as a measure of penal law applicable in national law.[14] It allows for victims of violence, including domestic violence and harassment, to enjoy a measure of protection against perpetrators when in another EU country.

152. Reform of legislation on domestic violence was adopted by Parliament in 2013 and introduces the following improvements in the legal framework:

- Broadening the idea of "loved ones" to "relatives". The circle of persons alleged to be victims who may benefit under orders of expulsion is broadened to cover any alleged victims cohabiting with the perpetrator in a family context, a broader concept that covers not only the traditional family in the broad sense of spouses, partners, ascendants and descendant minors and adults and siblings but

[14] http://eur-lex.europa.eu/legal-content/FR/TXT/?uri=LEGISSUM:jl0066

also reconstituted families comprising partners of ascendant and descendant members and siblings when they live in a family setting. Persons living together in a situation of joint rental or sublease, for example, may not benefit from an expulsion order.

- Children who have witnessed domestic violence are recognized as indirect victims and may be looked after, assisted, guided and counselled by a support service for victims of domestic violence which is given a legal basis for that work.

- The period of expulsion is extended from 10 to 14 days. Alongside the prohibition against re-entering the home, expulsion entails two new prohibitions against the expelled person, also for a period of 14 days, namely the prohibition against approaching the victim and the prohibition against making contact with the other person, orally, in writing or through an intermediary (a relative, child, a neighbour or other person).

- The prohibitions provided for by article 1017-8 of the New Code of Civil Procedure now include a further prohibition, namely a prohibition on approaching the shelter and its extensions, childcare facilities and schools.

153. The amended act of 30 July 2013 also decisively enhances the accountability of perpetrators of domestic violence:

- In this way the organization that works with perpetrators of domestic violence, defined as a private or public law body whose aim is to provide psychological support for the prevention of violence and proactive intervention contacts for all perpetrators of domestic violence, as characterized in the new Act, gains legal standing in the same way as the support service for victims of domestic violence.

- On the day the expulsion order takes effect, the police report the fact to an organization that works with perpetrators of domestic violence as well as to an organization providing support to victims of domestic violence;

- The person expelled must report to an organization that works with perpetrators of violence within seven days of the expulsion order entering into force. If this requirement is not complied with, the organization contacts the person and calls him or her in for an interview.

154. In the fight against domestic violence, the Government has based its action primarily on the work and recommendations of the Committee on Cooperation, which meets four to five times per year and compiles its findings in an annual report to the Government. In that context, it is important to note the implementation of the various tracks developed by the Luxembourg Institute of Health (LIH) in the major scientific study conducted in 2012–2014 on the causes of domestic violence in Luxembourg, while taking into account the three perspectives of victims, offenders and professionals.[15] The study was presented at a major international conference on 5 March 2015 with the participation of national and international experts specialized in dealing with victims, perpetrators and practitioners.

[15] http://www.mega.public.lu/fr/publications/publications-ministere/2015/etude-violence-domestique/index.html

155. The study included a number of recommendations, which were the subject of a broad discussion within the Committee on Cooperation with a view to their implementation in Luxembourg.

156. The Committee on Cooperation thus has its role fully defined by the amended law on domestic violence, i.e. to supervise its implementation on the ground, to collect statistical data on domestic violence in Luxembourg and to make recommendations to the Government in the context of its annual report on the phenomenon of domestic violence and violence in general.

157. During the current legislative period, the Government of Luxembourg has invested heavily in education on sexuality and emotional health, an important factor in the context of policies for the prevention of sexual exploitation and violence and, indirectly, sharing of responsibilities between women and men.

158. The Government has developed the concept of a national reference centre for the promotion of emotional and sexual health, considered an important element of the "National Programme on Promotion of Emotional and Sexual Health".

159. The national programme was developed following the declaration of intent on a common policy for the promotion of emotional and sexual health that was signed by the ministers of health, education, family and equal opportunity on 17 July 2013.

160. As stated in the programme, emotional and sexual health is an integral element of the well-being of all persons, regardless of sex, age, physical or mental condition, origin and socio-economic situation.

161. Emotional and sexual health is not limited to sexual relations, but includes emotion, self-esteem and respect for others, gender specificities and gender identities. It is the promotion of safe sex and promotion of sexual health free of any form of violence and all forms of discrimination.

162. In order to achieve this common policy, the ministries involved have adopted an interdisciplinary approach and an approach that allowed networking among all involved actors on the ground to develop a plan of action to meet the very diverse needs of the population in Luxembourg, the "National Action Plan — emotional and sexual health for the years 2013–2016."

163. In order to achieve the goals set out in the national programme and the national action plan, the establishment of a National Reference Centre for the Promotion of Emotional and Sexual Health, is of primary importance.

164. Thus, the National Reference Centre (CNR) is a platform to compile, harmonize and develop networks with knowledge, skills and expertise on sexuality at the country level.

165. In this sense, the CNR will invest in awareness and information, responding to the needs of individuals and communities and their specificities and the establishment of a sociopolitical, educational, economic and regulatory environment conducive to emotional and sexual health.

166. The Centre will also be responsible for initial and ongoing training of participants, as well as identification and discussion of models and tools of good practices.

167. The missions of the National Reference Centre are not limited to sexual education itself, to transmitting relevant information and knowledge, but encompass

a more comprehensive and holistic approach, involving the principles of the promotion of sexual health as defined by the World Health Organization (WHO).

168. Thus, the promotion of emotional and sexual health covers more than the health sector; it exceeds healthy lifestyles to include general well-being based on favourable environments and circumstances.

169. Promoting emotional and sexual health also contributes generally and specifically to health and well-being, the prevention and reduction of risks related to sexuality, the protection of populations vis-à-vis all forms of violence, such as sexual violence, commercial sex, sexual exploitation and contributes to the fight against stereotypes and prejudices underlying discrimination.

170. Children and young people are a priority target audience in education on sexuality and emotional health in the scope of the National Reference Centre for the Promotion of Emotional and Sexual Health.

171. The Centre takes action on behalf of the National Ministry of Education, Children and Youth at different levels:

- In the area of non-formal education, the terms of reference established by the law on youth of 24 April 2016 cite emotional and sexual education relationships with others as being among the key areas of action to be implemented by monitoring and service structures. At this level, the Centre will be an important partner in support and development of concepts, methods and best practices for hostels, crèches and youth centres, but also in the socioeducational training of professionals.
- At the level of formal education in basic schools and secondary schools, the Centre could provide assistance in continuing education and information. It may also help to complement the available stock of school libraries by tailored thematic teaching materials and advise programme commissions on the choice of teaching and learning materials.

Trafficking and exploitation of prostitution

Point 14

172. In December 2016, the Luxembourg Government launched the information and awareness-raising campaign on the phenomenon of human trafficking (www.stoptraite.lu), which includes sexual exploitation and procuring. The campaign was organized by the national committee to monitor the fight against trafficking in human beings. The monitoring committee is composed of representatives of the relevant ministries, representatives of the judicial authorities, the Police and assistance services for victims of trafficking. It is responsible for monitoring and coordinating the prevention and evaluation of the trafficking phenomenon. The committee also devotes efforts to raising public awareness of this phenomenon.

173. The committee had already published a first information brochure on trafficking in human beings in 2014, that brochure being still distributed in several public locations.

174. Through the launch of the current national information and awareness campaign against human trafficking, Luxembourg continues its efforts to sensitize the public about the victims of trafficking. The emphasis in this second phase of the information and awareness campaigns is placed on an audiovisual media campaign including radio

spots, cinema screenings, and a poster campaign focused on different aspects of trafficking. It also includes an internet presence through the creation of the site www.stoptraite.lu and a presence on social media such as Facebook. The campaign will be sustainable, with a universal message whose aim is twofold: to raise public awareness and to provide information on the different forms that trafficking in human beings can take, in order to increase awareness of the phenomenon of trafficking in the everyday reality of citizens.

Point 15

175. A Grand Ducal regulation of 10 March 2014 on the composition, organization and functioning of the committee to monitor the fight against trafficking in human beings formally establishes an interministerial committee responsible for coordination of prevention and evaluation of the phenomenon of human trafficking.[16] The ministerial order of 18 July 2014 appointing the members of the monitoring committee has been issued in Mémorial Bn 81 of 4 August 2014. The national committee to monitor the fight against trafficking in human beings includes representatives from all the ministries and agencies that are active on the ground, i.e. representatives of the relevant state bodies, representatives of the judicial and police authorities and representatives of associations in charge of reception and referral of victims of trafficking. The national rapporteur on trafficking in human beings is also invited on a regular basis to assist the work of the committee, which meets every two to three months.

176. The act of 9 April 2014 strengthening the rights of victims of trafficking in human beings, which has transposed into Luxembourg law directive 2011/36/EU, introduced the offence of forced begging as a form of trafficking and trafficking of children.[17,18] The act made an amendment to article 92.1 of the amended act of 29 August 2008 on the free movement of persons and immigration in order to clarify that the provision of assistance does not depend on the willingness of the victim to cooperate in the framework of the investigation but comes into play only with regard to the formality of issuance of a residence permit.

177. The act of 9 April 2014 also designated the "Advisory Human Rights Commission" as the national rapporteur under article 19 of directive 2011/36/EU of 5 April 2011 on preventing human trafficking and combating this phenomenon. The tasks of the national rapporteur include assessments of trends in trafficking in human beings, measuring results of anti-trafficking actions, including the gathering of statistics in close cooperation with relevant civil society organisations active in this field, and reporting, and submitting reports at least every two years to the Chamber of Deputies. On 15 March 2017, the first report on trafficking in persons in Luxembourg was submitted to President of the Chamber Mars Di Bartolomeo and to the members of the Law Commission and the Luxembourg delegation to the Parliamentary Assembly of the Council of Europe.[19]

- A further measure is the Grand Ducal regulation of 11 September 2014 on (1) implementation of article 2, paragraphs (1)(a), (2) and (4) of the amended act of 8 May 2009 on assistance, protection and security for victims of human trafficking; (2) amendment of the Grand Ducal Regulation of 19 March 1999 on

[16] http //data legilux public lu/file/eli-etat-leg-memorial-2014-37-fr-pdf pdf

[17] http //legilux public lu/eli/etat/leg/loi/2014/04/09/n1/jo

[18] Articles 361 and ff. of the Criminal Code

[19] https //ccdh public lu/fr/avis/2017/Rapport-TEH-CCDH-final pdf

the accreditation of managers of services for girls, women, and women with children[20]

- A national action plan on human trafficking,[21] prepared by the monitoring committee and adopted by the Council of Government at its meeting of 21 December 2016, seeks to inform the public in detail on the strategy and efforts to strengthen collaboration among actors, and create synergies necessary for preventing and combating the phenomenon in order to eradicate this form of crime.
- The staffing of the "organized crime" section of the Grand Ducal Police force was doubled on 1 November 2016 and the number of investigators is currently 11.

Point 16

178. In the framework of Benelux under the Luxembourg presidency, two training workshops were organized with the active participation of the actors on the ground to strengthen multidisciplinary and cross-border coordination and cooperation in Benelux in order to provide optimal care for trafficking victims in Benelux. On 2 December 2016, in the margins of the conference on the fight against trafficking in human beings, a statement of intent on Benelux cooperation in human trafficking containing actions and measures to strengthen Benelux cooperation was signed by Luxembourg Minister of Justice of Félix Braz, his Belgian counterpart Koen Geens, and a representative of the Netherlands.[22] Based on discussions during the days of deliberation, the three countries committed themselves to further develop cooperation between the reception and support centres for victims, the judicial authorities, the police, immigration and integration, as well as social services and labour inspection.

Point 17

179. Prostitution in itself is not prohibited in Luxembourg. However, articles 48 and 51 of the general police regulations of the city of Luxembourg of 26 March 2001 prohibit persons from displaying themselves in a public thoroughfare for prostitution, with exceptions.[23] Articles 382 et seq. of the Criminal Code and article 563-9 of the Criminal Code prohibit soliciting. Article 379 et seq. of the Criminal Code prohibits the exploitation of prostitution and procuring. The trafficking of human beings for sexual exploitation is also prohibited.

The Report of the Grand Ducal Police reflected the following figures:

Groups	*2010*	*2011*	*2012*	*2013*	*2014*	*2015*	*2016*
Procuring	8	7	7	17	10	9	8
Soliciting	3	13	6	6	5	3	2
Offences (Art 48 & 51 General Police Regulations)	46	54	38	42	71	25	15

[20] http://data.legilux.public.lu/file/eli-etat-leg-memorial-2014-186-fr-pdf.pdf

[21] http://www.mj.public.lu/services_citoyens/stop_traite/Plan_action_national_traite.pdf

[22] https://www.unodc.org/documents/brussels/GWA_BLO/2016.12_Declaration_intent.pdf

[23] https://www.vdl.lu/sites/default/files/media/document/R%C3%A8glement%20g%C3%A9n%C3percentpercentof%20A9ral20police.Pdf

180. However, it is important to note that, prior to the commencement of criminal proceedings, the Public Prosecutor's Office considers very carefully whether the case was one of women or girls who are considered victims of human trafficking. Suppressing the exploitation of the prostitution of others has been strengthened through legislative and regulatory measures in the area of trafficking in human beings. The Government of Luxembourg has developed a strategy to address prostitution, which comprises several priority areas compiled in the National Action Plan — "Prostitution".[24]

181. With a view to a new Luxembourg model for addressing prostitution, the platform "Prostitution", introduced in October 2012, brought together the ministries of equal opportunity and justice, Drop-in and HIV-Berodung, the Luxembourg Red Cross, the Office of Social Intervention in the city of Luxembourg, the Office of the Prosecutor General and the Grand ducal Police. The findings of the platform were presented in November 2014 by Ministers of Equal Opportunity and Justice.

182. In view of the fact that no single foreign model is applicable in Luxembourg unchanged, the Government decided to develop a model appropriate to the country. On 27 June 2016, the Minister of Justice tabled a bill strengthening the fight against the exploitation of prostitution, procuring and human trafficking for sexual purposes.[25]

Participation in political and public life

Point 18

183. The act of 15 December 2016 introduced a new provision in the amended act of 21 December 2007 regulating the funding of political parties to allocate annual appropriations to political parties based on the representation of both sexes on the candidate lists for the legislative and European elections.

184. Paragraphs 5 and following of article 2 provide that:

> "Allocation to a political party of the level of the grant provided for in paragraph 1, item 2 above is subject to the condition of having presented, for legislative elections, lists containing at least 24 candidates of each sex.
>
> The amount of the grant is reduced to
>
> - 95 per cent of the grant if the political party presents, for legislative elections, lists showing 23 candidates of one sex;
> - 90 per cent of the grant if the lists contain 22 candidates of one sex;
> - 85 per cent of the grant if it lists contain 21 candidates of one sex;
> - 80 per cent of the grant if its lists contain 20 candidates of one sex;
> - 70 per cent of the grant if its lists contain 19 candidates of one sex;
> - 60 per cent of the grant if its lists contain 18 candidates of one sex;
> - 50 per cent of the grant if its lists contain 17 candidates of one sex;

[24] http://www.mega.public.lu/fr/publications/publications-ministere/2016/plan-daction-national-prostitution/PAN-Prostitution.pdf.

[25] http://www.chd.lu/wps/portal/public/Accueil/TravailALaChambre/Recherche/RoleDesAffaires?action=doDocpaDetails&backto=/wps/portal/public/reception/Actualite&id=7008.

- 40 per cent of the grant if its lists contain 16 candidates of one sex;
- 30 per cent of the grant if its lists contain 15 candidates of one sex;
- 25 per cent of the grant if its lists contain fewer than 15 candidates of one sex;

"Allocation to a political party of the level of the grant provided for in paragraph 1, item 2 above is subject to the condition of having presented, for European elections, lists containing 3 candidates of each sex.

The amount of the grant is reduced to

- 75 per cent of the grant if its lists contain 2 candidates of one sex;
- 50 per cent of the grant if its lists contain 1 candidate of one sex;
- 25 per cent of the grant if its lists contain solely candidates of one sex;"

185. The act of 16 June 2017 on the organization of the Council of State has introduced a provision promoting balanced representation between women and men for appointments to the office of councillor of state.

186. Article 7 provides:

"At the nomination of the candidate, the authority vested with the power of appointment [...]

(b) shall strive to ensure a balanced representation of women and men in the composition of the Council of State. The number of the underrepresented sex may not be less than seven [...].

- The proportion of women and men is more or less the same in the total population of Luxembourg.
- Life expectancy at birth for women is higher than that for men (84.8 years for women compared with 80.2 years for men in 2013).
- In Luxembourg women marry younger than men. However, the average age at first marriage continues to rise for both sexes. Most women today marry between age 25 and 29, while many men wait until they reach the age-group 30 to 34 to marry.
- In 2010 the number of children per woman was 1.63 and the average age of mothers at the birth of a child was 31.2 years. Today, having one or two dependent children has very little influence on women's participation in the labour market.
- The activity rate for women in Luxembourg has increased significantly since 1993. For women aged 25 to 49 years it has risen from 42.9 per cent in 1983 to 76.5 per cent in 2012. The gap between the employment rates of women and men, with an employment rate of 91.6 per cent for the age group 25 to 49 years, is one of the highest in Europe.
- The share of women among self-employed workers grew to 40 per cent in 2008.
- Part-time work remains almost exclusively a women's issue. In 2010, 33.7 per cent of women with dependent children worked part-time, compared with 13.3 per cent for those who have no dependent children. Through the growth of part-time work, the women of Luxembourg are increasingly combining work and family life.

- The "single male breadwinner" model, very popular in Luxembourg in the 1980s and 1990s, is declining.
- Despite their increasing presence in the labour market, women in Luxembourg remain largely underrepresented among decision-makers in both the public and private sectors compared to men with the same qualifications.
- The number of women on boards does not exceed on average 20 per cent. In public service, while women constituted almost half of the total senior civil service in 2014 only one quarter have a leadership function.
- The same may be observed in public institutions or enterprises in which the state holds shares. Women are in a minority on the boards of public institutions and change is taking place very slowly.
- In Luxembourg, women are also greatly underrepresented in political decision-making: following the municipal elections of 2011, in communes with a voting system by absolute majority, 19.4 per cent of communal councillors are women. (In 2005, the number was 19.1 per cent.)
- In communes that vote according to the system of proportional majority, 23.9 per cent of communal councillors are women. (In 2005, the number was 22.7 per cent.)
- The two parties that applied voluntary quotas in preparing their electoral lists were able to demonstrate the best representation of women among elected candidates, achieving a percentage of 36 per cent (for Déi Gréng) and 25 per cent (for CSV) respectively.
- Overall, 13 of 105 communes, including the two largest in the country, are headed by a female mayor (12.3 per cent).
- In the legislative elections of 2013, 186 women were candidates, equivalent to 34.4 per cent of all 540 candidates.
- 17 of the 60 of members of the Chamber of Deputies are women. (28.3 per cent).
- With this outcome, the Inter-parliamentary Union ranks Luxembourg as 37th out of 189 countries.
- With 4 members out of 18, women account 22.3 per cent of the Government.
- According to a United Nations survey, Luxembourg ranks 31st among 189 Member States.
- In Luxembourg, some political parties have long followed the practice of drawing up electoral lists using voluntary quotas ranging from 30 per cent of the under-represented sex to gender parity (50 per cent of candidates of each sex).
- In order to address the underrepresentation of women in political and economic decision-making, the Luxembourg Government presented its strategy for a better balance between women and men in decision-making in September 2014. (See point 9.)

Education

Point 19

Girls' Day-Boys' Day

187. Girls' Day-Boys' Day (GDBD) is an initiative designed to eliminate obstacles and stereotypes associated with gender. Through a short course, it gives girls and boys a way to envisage their future careers, broadening their work horizons by visits to the world of work. The aim is to raise young people's awareness of atypical career prospects.

188. In 2016, 471 enterprises, institutions and community services were contacted by mail. 110 companies expressed interest in participating and offered 770 internship vacancies via internet website, including 297 offers for Boys' Day and 473 offers for Girls' Day.

189. 466 students, namely 288 girls and 178 boys, have participated in the project through offers published on the website. 334 students participated on their own initiative, that is to say found a course without using the offers on the website.

190. The average age was 14 years. 35 secondary schools participated.

Sectors where most of the girls were represented	*Sectors least populated occupied by girls*
Traditional crafts	Research and Science
Environment	Communal services
Police, security	
Sectors where most of the boys were represented:	Sectors least populated by boys:
Early childhood	The elderly
Disability	Youth
	Health

Survey on gender equality within the National Ministry of Education

191. The National Ministry of Education, Children and Youth (MENJE), in collaboration with the Ministry of Equal Opportunity and Eurogroup Consulting, conducted a survey on the equality of women and men. An online questionnaire was transmitted to MENJE collaborators in January 2016. The results of the survey, presented on 8 July 2016, were used to carry out a mapping exercise on the working conditions of women and men in MENJE and to make recommendations for affirmative actions. The overall participation rate was 22.3 per cent (22.7 per cent for women and 21.7 per cent for men).

192. The survey results can be summarized in nine points:

1. **Staffing structure**: MENJE employs 52.3 per cent women and 47.7 per cent men. The distribution of staff shows a certain imbalance between women and men.

2. **Working conditions and attitude to work**: MENJE staff consider that their working conditions are fairly good. 80 per cent of respondents reported that they were satisfied with their work. 53.2 per cent did not wish to change jobs.

3. **Work schedules**: 24.3 per cent of employees work part time; 4.5 per cent work less than 20 per cent per week; 12.6 per cent work part-time and 7.2 per cent work between 22 and 32 hours per week. The proportion of part-time persons at MENJE is higher than the national rate, which was 18.9 per cent in 2015.

4. **Workload**: 44.6 per cent of men and 41.9 per cent of women reported putting in overtime every month. Men reported working on average 15 hours and 57 minutes more per month and women reported an additional 17 hours and 38 minutes.

5. **Professional development and support**: the survey highlights that 48 per cent of MENJE staff stated that there are professional development meetings. 42.6 per cent of women and 53.9 per cent per cent of men so stated. 62.9 per cent of staff are satisfied with the support shown by their supervisor (first reporting officer).

6. **Work-life balance**: among staff with children at home — irrespective of age — 17.9 per cent of women and 11.6 per cent of men reported having voluntarily decided to give up on career advancement.

7. **Interruption of professional activity**: the survey indicates that 18.5 per cent reported having interrupted their employment for more than six consecutive months. For 46.6 per cent of them, this interruption lasted for less than a year. The three reasons why people interrupted their careers for more than six consecutive months were: taking parental leave; leave without pay to raise one or more children under the age of 15; and leave without pay for personal, family or professional reasons.

8. **Sexual and moral harassment**: for women, the forms of sexual harassment most often mentioned were unwanted comments about what is "typical for women" (6.2 per cent) and unwelcome comments on their clothing and their figure (4.8 per cent). The forms of moral harassment most cited by women are: not being able to get in a word, being constantly interrupted (9.1 per cent), and being demeaned (9.2 per cent). For men, the forms of moral harassment most often mentioned were: being assigned tasks beneath their abilities (20 per cent) and being assigned meaningless work (17.9 per cent).

9. **Perception of gender equality**: On the whole, MENJE staff generally take a fairly positive view of the equality of women and men in their administration. 74.6 per cent claim that there is no difference in assignment of tasks according to gender and 71.8 per cent of staff believe that their supervisor is committed to ensuring that working conditions are the same for both sexes. It should be noted that women account for 34.5 per cent of supervisory staff.

193. The recommended actions are quite varied, depending on results: systematically implement career development interviews for all staff (which is envisaged in the reform of the civil service); put in place measures to support professional

development; increase the share of women in managerial positions; provide women with management training to prepare them for future situations as managers.

Employment

Point 20

194. The labour market in Luxembourg has become considerably "feminized" in recent decades. At the same time, at the microeconomic and employment level, gender equality as a cross-cutting objective continues to be a structural pillar of long-term growth.

195. Under the Europe 2020 Strategy the national goal for Luxembourg in terms of the employment rate to reach by 2020 is 73 per cent. According to the latest available data, Luxembourg has moved significantly closer to that target with an employment rate of 70.7 per cent in 2016. The continuous increase in the employment rate in recent years is also due to the greater participation of women in the labour market.

196. Thus, the share of female employment in internal paid employment rose from 37.9 per cent in 2005 to 40.5 per cent in 2016, an increase of 2.6 percentage points in a decade. This increased employment rate is greater for women, going from 58.4 per cent in 2005 to 65.0 per cent in 2016.

197. Women now occupy nearly 41 per cent of wage employment. The increase in the participation of women in the labour market is attributable to several factors: the strong demand for manpower that accompanies economic growth, the growth of many jobs where women are very present (childcare services, domestic service, education, etc.), changing public mores (working single mothers, a lower proportion of women at home, introduction and reform of parental leave, a significant increase in care and child care systems, voucher system), etc.

Luxembourg labour market statistics

	2005	2010	2013	2014	2015	2016
Internal paid employment	287178	337406	362361	371489	381316	393036
Share of incoming frontier workers	41.2%	44.3%	44.2%	44.2%	44.5%	44.9%
Share of women	37.9%	39.3%	40.4%	40.5%	40.6%	40.5%
Rate of total employment [20–64]	69.0%	70.7%	71.1%	72.1%	70.9 %*	70.7%
Rate of employment for men	79.4%	79.2%	78.0%	78.4%	76.7 %*	76.1%
Rate of employment for women	58.4%	62.0%	63.9%	65.5%	65.0 %*	65.0%
Youth employment rate [20–64]	44.0%	35.5%	35.4%	33.3 %	44.1 %*	40.7%
Youth employment rate [25–29]	81.3%	81.5%	76.0%	81.0%	80.9 %*	82.1%
Seniors employment rate [55–59]	46.8%	55.7%	54.7%	58.1%	55.9 %*	57.1%
Seniors employment rate [60–64]	12.7%	20.1%	22.9%	23.1%	16.5 %*	17.7%
Unemployment rate LFS	4.6%	4.6%	5.9%	6.0%	6.5 %*	6.3%

Source: STATEC, Eurostat-LFS; * break in series in 2015 (employment and unemployment rates)

198. In Luxembourg, the evolution of the employment rate in general and the convergence of female and male rates depend on the level of education of workers.

199. The employment rate of women graduates from lower secondary education increased from 52.2 per cent in 1992 to 70.5 per cent in 2012 and female graduates of higher secondary increased from 61.9 per cent to 73.9 per cent over the same period. The increase among women graduates of higher education is smaller, from 75.1 per cent to 81.5 per cent.

200. Over the past 20 years there has been a dual convergence. First, the employment rate of women became closer to that of men, and that was so regardless of level of education. Among women, the rate of employment for skilled and relatively unskilled workers converged over time. The spread in employment rates narrowed from 22.9 points 2002 to 11 points in 2012.

Employment rate of women and men 25 to 49 years of age, by level of education

	1992	*2012*		
	Men	*Women*	*1992*	*2012*
Primary education and junior secondary (ISCED 0-2)	95.1	88.2	52.2	70.5
Secondary and higher education (ISCED 3-4)	95.2	90.9	61.9	73.9
Higher education and undergraduate (ISCED 5-6)	93.5	93.7	75.1	81.5
42 All Levels	94.8	91.6	56.8	76.8

Source: STATEC, labour force survey.

Women are increasingly combining professional and family life

201. Nowadays, the presence of minor children influences labour market participation by women and men less markedly.

202. In 1983, having a dependent child reduced women's employment rate from 54.5 per cent to 37.4 per cent. The rate is now only 32.3 per cent with two dependent children and 32.1 per cent with three or more children. Among men, the presence of children in the household has a positive impact on the employment rate. The rate rises from 93.7 per cent to over 97 per cent if there are dependent children of the household.

203. However, over time, the employment rate of women is increasing whether they have dependent children or not, while the employment rate of men has declined slightly.

204. In 2012, the employment rate of women without dependent children stood at 81.4 per cent. Having a child reduces the rate only to 78.8 per cent. With a second child, the rate is 76.4 per cent. By contrast, in households with three or more children, only one woman in two is employed.

205. Thus, there has been a change in behaviour. In 1983 it was the mere fact of having children that had a decisive impact on the employment rate, regardless of the number of dependent children in the household. In 2012, having one or two dependent children had a very slight influence on women's participation in the labour market. Today we find that it is having three or more children which reduces the employment

rate significantly. However, at 50.8 per cent, that rate is almost as high as the rate of employment of women without dependent children in 1983.[26]

206. One factor that favours women's participation in the labour market is the growth of part-time work. In 1983 Only 22 per cent of employed women worked part-time. In Luxembourg, the growth of part-time employment accounts for 40 per cent of the total growth of employment among women of ages 25 to 49.

Point 21

207. The Luxembourg Government is forging ahead with efforts to further increase women's employment rate. Those efforts include support for the professional integration of female job seekers (vulnerable populations: youth, women, older persons and persons with special needs). To that end, the national employment policy highlights quality jobs that are sustainable and inclusive and supports measures and actions to combat underemployment and poverty, striving for a better quality of life and a sustainable social model.

208. Occupational retraining or reintegration projects for women, especially for single mothers, in order to prevent them from sliding into situations of underemployment or poverty, are being conducted by the Luxembourg Employment Office (ADEM).

209. In order to make it easier for women to enter the labour market it is essential to focus on measures aimed at reconciling work and family life, for example nurseries, day-care centres or full-time schools. In this context, after discussions with social partners, parental leave was amended to take better account of the specific needs of men and women who work and wish to take care of their child.[27]

210. In Luxembourg, the overall wage gap between women and men for all industries, occupations and crafts is 8.6 per cent. The gap has steadily narrowed in recent years, going from 15.6 per cent in 2001 to 8.6 per cent in 2016.

211. In the framework of the Plan of Action on Gender Equality 2015–2018, the law of 15 December 2016 reinforces the principle of equal pay for men and women.[28] One purpose of the act is to include general provisions on equal pay between men and women in the Labour Code.

212. With regard to integration of migrant women, it should be noted that the labour market in Luxembourg is not discriminatory against women, discrimination being strictly prohibited by law.

213. The rate of foreigners in the economically active population stands at 71 per cent (45 per cent frontier workers and 26 per cent foreign residents).

[26] Source: STATEC — perspectives on women's work http://www.statistiques.public.lu/catalogue-publications/regards/2014/PDF-03-2014.pdf

[27] Act of 3 November 2016 amending parental leave and amending 1. The Labour Code; 2. Social Security Code; 3. The amended act of 4 December 1967 on income tax; 4. The amended Act of 16 April 1979 establishing State civil service regulations; 5. The amended Act of 24 December 1985 establishing local civil service regulations; 6. The amended Act of 14 March 1988 on the establishment of adoption leave for private sector employees; 7. The amended act of 12 February 1999 establishing parental leave and leave for family reasons; 8. the amended act of 31 July 2006 introducing Labour Code http://legilux.public.lu/eli/etat/leg/loi/2016/11/03/n1/jo

[28] Act of 15 December 2016 amending the Labour Code; amendment to article 2 of the amended act of 21 December 2007 regulating political party funding http://legilux.public.lu/eli/etat/leg/loi/2016/12/15/n2/jo

214. Luxembourg has a particularly dynamic labour market. From 2000 to 2014, employment grew by 50 per cent. Even the economic crisis could not stop the growth of employment in Luxembourg.

215. This exceptional surge in employment has largely been driven by the influx of male and female workers from abroad. This includes both persons of foreign nationality who move to Luxembourg to work and persons who reside outside the borders of the Grand Duchy and commute daily to their workplace in Luxembourg. At the beginning of the year 2015, 28 per cent of employees in Luxembourg were residents of Luxembourg nationality, 27 per cent were residents of foreign nationality, and 45 per cent were frontier workers.

216. For example: in 2012, the activity rate of foreign residents (67.6 per cent) was higher than that of Luxembourg women (58.4 per cent). Specifically, 71 per cent of these women were Portuguese, 70 per cent French, 67 per cent Italian and 61 per cent Belgian. However, the rise in the female activity rate in recent years holds true for all nationalities.

217. Among job seekers those emanating from immigration often are not proficient in at least one of the languages used in Luxembourg. Thus, the Luxembourg Employment Office ADEM has expanded its own language training offerings as well as forging external partnerships to provide job seekers more courses. In close collaboration with relevant public authorities and the private sector, the ADEM is also conducting proficiency examinations of job-seeker refugees, i.e. persons receiving international protection.

218. ADEM and the National Social Action Service (SNAS) coordinate and support persons benefiting from international protection in search of employment according to their level of language knowledge. SNAS takes care of protected persons who lack any of the usual languages of the country, while the ADEM supports those who have at least an elementary knowledge of one of these languages.

219. Since persons benefiting from international protection are assimilated to other residents of Luxembourg, ADEM may offer companies interested in hiring them many financial incentives and programmes.

220. As of 28 February 2017, approximately 420 persons benefiting from international protection were registered with ADEM. To enhance its work in this area, ADEM has established a full-time position to deal exclusively with such cases.

221. Lastly, concerning International Labour Organization Convention 189, the Ministry of Labour, Employment, Social Economy and Solidarity is currently analysing the desirability of ratifying the text.

Health

Point 22

222. A survey of smoking habits in Luxembourg was carried out by TNS ILReS (*Institut luxembourgeois de sondages et d'études d'opinion* — Luxembourg public opinion survey institute) for the Cancer Foundation in 2016 and is disaggregated by the gender of smokers. Smoking prevalence is 18 per cent for women and 23 per cent for men. However, the gap narrows as age groups increase and becomes virtually zero

at age 55. The national plan to combat smoking (2016–2020) reflects the gender dimension and the particularly negative impact of tobacco on women's health.[50]

> "Women smokers are at greater risk than men. For example, the side-effects of oral contraception are significantly increased among women who smoke. Smoking aggravates osteoporosis. Smoking is also associated with increased frequency of miscarriages. There are indications that smoking reduces fertility among men and women. There is evidence that exposure to maternal smoking during pregnancy increases the risk of asthma, exacerbates pre-existing asthma and affects postnatal lung function. Some recent studies even suggest that nicotine is responsible for epigenetic change among smokers that can be transmitted to future offspring causing multi-generational effects."

223. The health portal of the Ministry of Health provides a number of statistics and reports[51] on various topics of women's health (including the national mental health policy).[52] The STATEC Statistics portal provides information on the medical environment, diseases and causes of death.[53]

Refugee and asylum-seeking women and other disadvantaged groups of women

Point 23

224. In 2015 and 2016, Luxembourg received a large number of men and women applicants for international protection (hereinafter AIPs). In this context, the Ministry of Family and Social Integration, the Luxembourg Office of Reception and Integration (OLAI) and the Ministry of Equal Opportunity sponsored the pilot project "Welcome to Luxembourg" in the form of training sessions from April to July 2016, working through trainers (approved volunteers speaking various languages, including Arabic and Farsi) to inform and sensitize AIPs arriving in Luxembourg about values and principles, particularly with regard to equality between women and men.

225. This pilot project was carried out at various centres which hosted AIPs. After evaluation of the pilot project, the aim is to make it a national interministerial project complemented by other objectives in the field of human rights, values, rules of life and diversity in Luxembourg, always with the main cross-cutting thematic focus of gender equality. It will also include the component of domestic violence and gender-based violence and raise awareness of and combat harmful customs and traditions, prejudices and stereotypes for the target audience of AIPs, refugees and migrant population.

Marriage and family relations

Point 24

226. Article 296 of the Civil Code providing that a woman divorced through a proceeding of divorce for specific grounds may remarry as soon as the judgment or decree pronouncing the divorce becomes final provided at least 300 days have elapsed

[50] http://www.sante.public.lu/fr/publications/p/plan-national-tabac-2016/index.html

[51] http://www.sante.public.lu/fr/espace-professionnel/statistiques/index.html

[52] http://www.sante.public.lu/fr/politique-sante/plans-action-politique-sante-mentale/index.html

[53] http://www.statistiques.public.lu/stat/ReportList/ReportList.aspx?ID_Language=fra&Main_Theme=3&ID_fldrName=3

since the application for divorce was repealed by the marriage reform act of 4 July 2014. The act also introduces the right to marry for two persons of the same sex (Article 143 of the Civil Code).

227. The rule set out by article 144 of the Civil Code is that "no one may enter into marriage before the age of 18 years". An exception was provided by the Civil Code article 145, which provides that a guardianship judge may lift the prohibition for serious reasons. The age difference between men and women previously contained in former article 144 (men before 18 years of age and women before 16 years of age may not enter into marriage) is also gone.

Draft law establishing the Family Court, reforming divorce and parental authority

228. A draft law establishing the Family Court, reforming divorce and parental authority [...] was submitted by the Minister of Justice to the Chamber of Deputies on 27 May 2016 (parliamentary document. 6996).[1] This bill replaces bill 5155 of 2003, which was withdrawn.

229. The main aspects of draft law 6996 are summarized as follows:

- Like bill No. 5155, the new bill 6996 first proposes to abolish divorce for fault. The bill now provides for only two types of divorce: divorce by mutual consent and divorce on grounds of irretrievable breakdown of marriage. This should allow for dissolution of marriage on a more objective basis, independently of any fault.
- Although the concept of fault is to be abandoned as grounds for divorce, some behaviours are considered so serious that the bill adopts the view that they cannot be completely disregarded in divorce proceedings. The behaviours in question are certain exhaustively enumerated criminal offences committed against a spouse or child living in the same household or, as the case may be, the attempt to commit said offences: sexual assault, rape, assault and battery, homicide and intentional bodily harm, murder, murder with malice aforethought, infanticide and poisoning. Under the bill, the commission of one of these offences by one of the spouses does not give rise to a separate cause of action for divorce but is taken into account with regard to the consequences of divorce. The spouse committing one of these offences can be sentenced under the divorce to pay damages to the other spouse in compensation for material or moral damage that spouse is subjected to through the dissolution of the marriage. In addition, the offending spouse cannot be awarded alimony and may lose matrimonial benefits previously granted by the victim spouse. In light of the General recommendation on article 16 of the Convention on the Elimination of all Forms of Discrimination against Women (Economic consequences of marriage, family relations and their dissolution), (hereinafter the "General recommendation"), paragraphs 40 and 41, it should be noted that this provision does not constitute a measure allowing men to evade any financial obligations towards their wives. The purpose of this provision is, on the contrary, to protect spouses who are victims of certain forms of domestic violence and to ensure that the perpetrator spouse is not awarded alimony or marital spousal benefits at the expense of the victim. It should also be noted that, in order to take effect,

[1] http://www.chd.lu/wps/portal/public/Accueil/TravailALaChambre/Recherche/RoleDesAffaires?action=doDocpaDetail&backto=/wps/portal/public/Accueil/TravailALaChambre/research/AucunResultat&id=6996

this provision presupposes a criminal conviction that has acquired the force of res judicata against the spouse committing one of the criminal offences listed. This provision applies equally to men and women.

- With regard to paragraph 42 of the General Recommendation, it should be noted that under Luxembourg law, individuals with insufficient means have the right to free legal assistance ("legal aid") to defend their interests.

- The bill further proposes measures aimed at ensuring equitable treatment of the economic consequences of divorce. The division of labour and the life style of the spouses during the marriage may have long-term economic consequences which, under the bill, should be taken into account in the determination of maintenance. For this reason, the provisions of the draft law relating to maintenance enumerate some elements to be taken into account in the determination of maintenance, namely the age and state of health of the spouses, the length of the marriage, the time that has already been devoted or that will have to be devoted to children's education, qualifications and occupational prospects of the spouses in light of the labour market, their availability for new jobs, their existing rights and net assets, in terms of both capital and income, after the liquidation of the marital property.

- In addition, with regard to pension rights, the bill introduces the possibility for a spouse who ceased or reduced work for family reasons for a given duration during marriage to obtain coverage retroactively. To this end, the spouse who ceased or reduced work has a credit vis-à-vis the other spouse to help finance coverage retroactively.

- Finally, regarding parental authority exercised by parents over their children, a judgment of the Constitutional Court has declared unconstitutional article 380 (V) of the Civil Code in that it gives parental authority over an illegitimate child to the mother only.

- This bill proposes to introduce the principle of joint exercise of parental authority. This fundamental reform applies to all parents, whether married or unmarried, living as a couple, divorced or separated, and hence to all children, whether born in or out of wedlock. Henceforth, the rights and duties of parents are placed on equal footing.

Distribution of property upon divorce

230. Concerning the distribution of property in divorce cases, under current rules the assets constituting the marital property are shared equally between the spouses. The question of what goes into the marital property is resolved by the matrimonial regime applicable. In the absence of a marriage contract, the regime of marital property applied will be that of legal community (*communauté réduite aux acquêts* — a joint estate of husband and wife comprising only property acquired after the marriage). Bill 6996 does not modify these rules.

231. With respect to paragraph 44 of the General Recommendation, it should be noted that Luxembourg legislation makes no distinction between women and men with regard to legal capacity. The choice of a marital property regime other than that of legal community can be effected only by mutual consent of both spouses.